IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO.No. 49 of 2000.

Date of Decision: 7th December, 2011.

Prem Chand son of Sh.Ram Ditta, resident of village and P.O.Charot, Tehsil Sujanpur, Tira, District Hamirpur, H.P.

....Petitioner.

Versus.

1.Sh. Amar Singh son of Sh.Ram Ditta
2.Sh.Dulu alias Ramesh Chand son of Sh.Ram Ditta.
3.ShRasila Ram son of Sh.Rawalu Ram
4.Sh.Dharam Chand son of Sh.Rawalu Ram.

All resident of village and P.O.Charot, Tehsil Sujanpur, Teera, District Hamirpur, H.P.

5.(a) Sh.Roop Chand alias Rupa son of Rasilo Devi
5.(b) Sh.Ramesh Chand
5.(c) Sh.Subhash Chand.

All residents of village and P.O.Chabutra, Tehsil Sujanpur Teera, District Hamirpur, H.P.

6.The Additional Director of Consolidation H.P.Shimla-9.

. ....Respondents.

Coram:

Hon'ble Mr. Justice Dev Darshan Sud, Judge.

Whether approved for reporting1?. No.

For the petitioner: :Mr.Arun Kumar, Advocate.

For Respondents-1&2. :Mr.Raman Sethi, Advocate.

For respondent No.6. :Ms.Shubh Mahajan, Dy. Advocate General.

Whether reporters of the Local papers are allowed to see the judgment.yes.

Dev Darshan Sud,J.(Oral).

The petitioner challenges the legality of the order passed by the Additional Director, Consolidation, in case No.135/97 titled Prem Chand Vs. Amar Singh and others under Section 54 of the Himachal Pradesh Holdings (Consolidation and Prevention of Fragmentation) Act, 1971 (hereinafter referred to as 'the Act') instituted by Prem Chand petitioner herein.

2. The grievance of the petitioner, inter alia, in this petition is that the order passed by the Additional Director is not in consonance with law as it is non speaking order for reaching the conclusions arrived at for dismissal of the petition under Section 54 of the 'Act' instituted by the petitioner herein.

3. I have gone through the order. I do find that it is terse and does not in any manner spell out the reasons on which it is based. It is now well settled that any statutory adjudication must state reasons or its conclusion.

4. Learned Deputy Advocate General submits that the record shows that the decision of the Additional Director was based on the fact situation and the petitioner has himself participated and accepted the demarcation proceedings on the spot. I am not going into those submissions made in this petition. Needless to say that if the decision challenged by the petitioner herein is after accepting and participating in the demarcation proceedings,

no objection, of course, will be maintainable. But this would be a matter for adjudication by the Director/Additional Director and for him to record as a possible reason for not accepting the petition under Section 54 of the 'Act' as instituted by the petitioner herein.

5. Without adverting to the other submissions made on behalf of the parties, the order dated 10th July, 2000 (Annexure: P7) is set aside. I direct that the case be taken up afresh for decision in accordance with law by the Divisional Commissioner, Revenue, Mandi, who is exercising powers of the Director Consolidation after the merger of this department with the Revenue department. I further direct that he shall take the proceedings and dispose of the same in accordance with law.

6. Parties shall appear before him on ***27th January, 2012***. A further direction is issued that the entire case shall be decided and disposed of by him on or before ***31st March, 2012.*** All miscellaneous application(s) shall stand disposed of. It will be open to the parties to place before the Commissioner such other and further materials in addition to the grounds of appeal which has been instituted herein. The petition is disposed of. All interim orders shall stand vacated. It is also directed that the parties shall maintain status quo as ordered by this Court till the decision of the Commissioner.

(Dev Darshan Sud),
Judge.

December 7, 2011(R)